

REMARKS

At the time of the Office Action, claims 100-143 were pending. Claims 100-103 stand rejected and claims 104-143 are withdrawn from consideration due to a restriction requirement.

Claims 100-103 are rejected under:

- 1) 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,871,442 to Wyatt (hereinafter Wyatt);
- 2) 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,247,260 to Kandlbinder et al. (hereinafter Kandlbinder);
- 3) 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,961,280 to Hudson (hereinafter Hudson);
- 4) 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,839,982 to Wood (hereinafter Wood);
- 5) 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,839,866 to Jay (hereinafter Jay);
- 6) 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,984,582 to Romaniszyn et al. (hereinafter Romaniszyn);
- 7) 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,846,197 to Benjamin (hereinafter Benjamin); and
- 8) 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,225,089 to Vadnais (hereinafter Vadnais).

First, Applicant's agent, David Morris, wishes to thank Examiner Ark for the telephonic interview kindly granted on May 19, 2006. During the interview, the Applicant proposed to amend claim 100 to distinguish over the cited references by including language requiring that the closed end of the receptacle be generally parabolic in shape and that the plurality of apertures be configured distal the closed end. The Applicant agrees with the substance of the interview as indicated on the Interview Summary, which states:

"Applicant proposed to amend claim to recite that the closed end of the receptacle being generally parabolic-shaped and that the apertures being configured distal the closed end."

Additionally, during the interview, the Applicant's agent pointed out that the Applicant's bait holding apparatus as claimed is *resiliently* deformable (i.e., the apparatus has a shape memory as described at page 7, line 32 of the specification).

Although agreement was not reached during the interview with respect to the proposed amendments or the arguments regarding the references, the Applicant notes with appreciation that the issues at hand have been sharpened considerably.

By way of the instant amendment, Applicant has canceled claim 103 and amended claim 100. Claim 100 is amended to include the limitations of claim 103. Furthermore, claim 100 is amended to recite an "elongated, hollow body member," a "generally parabolic-shaped closed end," and that the elongated, hollow body member is "unitary with" the generally parabolic-shaped closed end. Applicant believes that the amendments to claim 100 distinguish over the cited art references in view of the following remarks.

Regarding Wyatt -- A number of different embodiments of a bait sleeve are disclosed. Each sleeve comprises a mesh-like plurality of strands (col. 3, line 55). In the Interview Summary, although the Examiner points to Figures 10 and 10A of this reference as showing a generally parabolic-shaped closed end (700) with a plurality of apertures, the Applicant respectfully points out that the closed end 700 and the mesh are not unitary (i.e., one-piece). Rather, the mesh is coupled to the closed end (col. 5, line 63). Furthermore, the Applicant respectfully points out that the mesh does not have a "perforated or grid-like formation" of apertures that are configured "along a length of the body member" as recited in claim 100.

Regarding Kandlbinder -- A bait protector comprising a mesh bag (20) is disclosed. Although the closed end 18 is unitary with the bag 20, Kandlbinder does not disclose that the mesh bag is resilient. Furthermore, the closed end of the bag is not generally parabolic in shape. Moreover, the pouch does not have a "perforated or grid-like formation" of apertures that are configured "along a length of the body member" as recited in claim 100.

Regarding Hudson -- A live bait protector apparatus comprising a pouch (26) including a plurality of apertures (28) is disclosed. Although the closed end is unitary with the pouch, Hudson does not disclose that the pouch is resilient. Furthermore, the closed end of the pouch is not generally parabolic in shape. Moreover, the pouch does not have a "perforated or grid-like formation" of apertures that are configured "along a length of the body member" as recited in claim 100.

Regarding Wood -- A fishing lure comprising an open mesh bag (5) including a closed end (15) is disclosed. Although the closed end is unitary with the bag, Wood does not disclose that the pouch is resilient. Furthermore, the closed end of the bag is not generally

parabolic in shape. Moreover, the pouch does not have a "perforated or grid-like formation" of apertures that are configured "along a length of the body member" as recited in claim 100.

Regarding Jay - A fishing lure comprising an open mesh bag (10) is disclosed. Jay does not disclose that the bag is resilient. Furthermore, the closed end (30 ... a leader) of the bag is not unitary with the bag. Moreover, the bag does not have a "perforated or grid-like formation" of apertures that are configured "along a length of the body member" as recited in claim 100.

Regarding Romaniszyn - A vacuum assisted condom applicator (20) is disclosed. The applicator has a "rigid or semirigid, double walled" structure (see Abstract) and the outer wall (2b) is solid and has no apertures therethrough. Since the outer wall has no apertures, the applicator would be unsuitable for use as a bait holding apparatus because a predator would be unable to sense a bait placed within the applicator. The applicator does not have a "perforated or grid-like formation" of apertures that are configured "along a length of the body member" as recited in claim 100.

Regarding Benjamin - A condom (10) including an expandable bulbous portion (13) having a dimpled projection (15) is disclosed. Although the closed end is unitary with the elongate sleeve portion, the closed end is bulbous and not generally parabolic in shape. Moreover, the elongate sleeve portion includes a number of longitudinally-extending openings 20 that define straps 21, 22. The openings do not have a "perforated or grid-like formation" of apertures that are configured "along a length of the body member" as recited in claim 100.

Regarding Vadnais - A laundry bag comprising a bulbular body (6) including a plurality of perforations (8) is disclosed. Although the closed end is unitary with the body, the closed end is bulbous and not generally parabolic in shape. Moreover, the plurality of perforations 8 do not have a "perforated or grid-like formation ... along a length of the body member" as recited in claim 100.

In view of the amendments to the claims and the foregoing remarks, the Applicant respectfully requests reconsideration. Applicant submits that the application is in good and proper form and the Examiner is respectfully requested to pass the application to issue. If a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call one of the undersigned.

In re Appln. of Graham Kalazich
Application No. 10/505,310
Response to Office Action of January 20, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry W. Sufrin". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Barry W. Sufrin, Reg. No. 27,398
David R. Morris, Reg. No. 53,348
Attorney and Agent for Applicant(s)
GARDNER CARTON & DOUGLAS LLP
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698
(312) 569-1000 telephone
(312) 569-3000 facsimile
Customer No.: 08968

Date: June 20, 2006